IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1967 OF 2005

Vijay Rajendra Chaursiya ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr.Akhilesh Singh, for the Applicant.

Mr.K.V. Saste, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

29th March 2005

P.C.:

. Heard Counsel for the parties. This application is being disposed of on the basis of assurance given by the investigating officer, through the learned A.P.P., that the investigating officer shall first ascertain the fact whether the subject property has been sold to Ramshish Yadav as claimed by the Applicant; and if it is found that the said Ramshish Yadav

is not the recipient of the property, then the Applicant would be obviously responsible and can be proceeded against for the alleged offence. The submission is quite reasonable.

. Accordingly, this application is disposed of with direction to the investigating officer to give 72 hours' advance notice to the Applicant before he decides to arrest the Applicant after collecting further material in the course of investigation of the alleged offence. In the meantime, the Applicant shall co-operate for the purpose of investigation as and when called upon.

(A.M.KHANWILKAR,J.)